



PUBLIC NOTICE

Federal Communications Commission
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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON AMENDED
APPLICATION FROM SYOSSET, NEW YORK, FIRE DISTRICT TO MODIFY ITS PUBLIC
SAFETY STATION WPYJ816 OPERATING BY WAIVER ON PART 22 FREQUENCIES**

File No. 0002490437

Comment Date: April 9, 2007

Reply Comment Date: April 24, 2007

By this *Public Notice*, the Public Safety and Homeland Security Bureau (Bureau) seeks comment on an application filed by the Syosset Fire District (Syosset), seeking authorization to modify six Part 22 paging frequencies licensed to it as part of its existing public safety radio communications system under Station WPYJ816, Syosset, New York.¹ Although Syosset does not seek a waiver of the Commission's rules, we seek comment on the application because the proposed modifications would expand Syosset's composite interfering contour on frequencies allocated to Part 22 paging use in the New York metropolitan area.²

The application seeks to add one base station located at 1 Fairchild Avenue in Plainview, New York;³ delete base stations at Merry Lane, Jericho, New York, and at Split Rock, Syosset, New York;⁴ allow slight adjustments to the coordinates and antenna height of the proposed 1 Fairchild Avenue base

¹ FCC File No. 0002490437 (filed Feb. 17, 2006, amended Feb. 24, 2006, Aug. 10, 2006, and Dec. 14, 2006) (Application). On August 18, 2003, Syosset was granted authority to operate eleven Part 22 paging frequencies pursuant to Section 337(c) of the Communications Act of 1934, as amended, 47 U.S.C. § 337(c). See Syosset Fire District, *Memorandum Opinion and Order*, 18 FCC Rcd 16635 (WTB PSPWD 2003). The Wireless Telecommunications Bureau previously sought comment on application FCC File No. 0002490437, as amended, as well as a second application filed by Syosset, FCC File No. 0002509311 (filed Mar. 2, 2006; amended Apr. 4, 2006, and June 13, 2006), on August 1, 2006. See Wireless Telecommunications Bureau Seeks Comment On Application From Syosset, New York, Fire District To Modify Its Public Safety Station WPYJ816 Operating By Waiver On Part 22 Frequencies, *Public Notice*, 21 FCC Rcd 8705 (WTB PSCID 2006). On August 10, 2006, Syosset withdrew the second application, FCC File No. 0002509311, because its proposed power level increases at the Merry Lane, Jericho, New York, and Split Rock, Syosset, New York, stations are now rendered moot by FCC File No. 0002490437, as amended, which requests a deletion of these base stations.

² See 47 C.F.R. §22.621.

³ Syosset currently is authorized to operate at the 1 Fairchild Avenue site under Call Sign WQEL413, Plainview, New York, pursuant to special temporary authority.

⁴ See FCC File No. 0002490437.

station; and allow an added repeater capability and an increased power level from 45 watts ERP to 225 watts ERP on frequency 470.1375 MHz at both the South Woods Road and 1 Fairchild Avenue base stations.⁵ Syosset submitted engineering studies indicating that grant of the requested modification would result in *de minimis* expansion of the currently authorized interfering contour.⁶ Syosset states that it would use six-degree down-tilt antennas at the South Woods Road base station and the proposed 1 Fairchild Avenue base station on frequency 470.1375 MHz so that there would be no change to Syosset's existing interference contour footprint in the direction of co-channel licensee County of Somerset, New Jersey.⁷ Furthermore, Syosset would use six-degree down-tilt antennas on all frequencies at the proposed 1 Fairchild Avenue site.⁸

Interested parties may file comments and reply comments on the application on or before the dates indicated on the first page of this document. All comments and reply comments should reference the subject application including the DA number of this *Public Notice*. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue NE, Suite 110, Washington DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express, and Priority mail must be sent to 445 12th Street, S.W., TW-A325, Washington, D.C. 20554.

The application and attachments can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. The full text of the attachments, comments, and reply comments will be available for inspection and duplication during regular business hours in the FCC Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554. Customers may contact BCPI through its web site, <http://www.bcpweb.com>, by email at fcc@bcpweb.com, by phone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563. For further information regarding the public reference file for this application, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

⁵ *Id.*

⁶ *See id.*, attached untitled engineering analysis prepared by Langone & Associates, and engineering analysis for 470.1375 MHz prepared by Langone & Associates (Engineering Study).

⁷ *See* Engineering Study at 2.

⁸ *Id.* at 1.

Because of the policy implications and potential impact of this proceeding on persons not parties to the application, we believe it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a), 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this Public Notice, *ex parte* presentations that are made with respect to the issues involved in the subject application will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

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For further information, contact Mr. Thomas Eng of the Policy Division, Public Safety and Homeland Security Bureau at (202) 418-0019, TTY (202) 418-7233, or via e-mail to Thomas.Eng@fcc.gov.

By the Deputy Chief, Public Safety and Homeland Security Bureau.

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